

Notice of Allowability

Application No.

09/892,860

Examiner

Ana M Fortuna

Applicant(s)

PHAGOO ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/04.
2. ☒ The allowed claim(s) is/are 1-2, and 4-39.
3. ☒ The drawings filed on 28 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ana M Fortuna
Primary Examiner
Art Unit: 1723

REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen M. Beney on 6/25/04.

The application has been amended as follows:

In claims 1 and 21, line 6, after "liquor", insert --,and a treated effluent by said membrane--.;

And in line 13, delete "flowing", and insert --recycling--

Cancel claim 3.

4. (Currently amended) The process of claim 1 wherein a second portion of said mixed liquor is recycled [the waste water treatment system further includes a recycle mixed liquor stream that is withdrawn from a downstream part of the waste water treatment system and recycled] to an upstream part of the waste water treatment system.

5. (Currently amended) the process of claim 4 wherein the screened mixed liquor is mixed with [flowed back to] the recycled mixed liquor stream.

Art Unit: 1723

6. (Currently amended) The process of claim 5 wherein the mixed liquor portion to be passed to the screen is removed from the recycled mixed liquor stream [upstream of where the screened mixed liquor flows back to the recycle mixed liquor stream].

7. (Currently amended) The process of claim 1 wherein the waste water treatment system produces a waste water sludge that is removed from the membrane [waste water treatment system] through a waste sludge stream.

In claim 24, delete "flow back", and insert --mixed with--.

25. (Currently amended) The process of claim 24 wherein the mixed liquor portion to be passed to the screen is removed from the recycled mixed liquor stream [upstream of where the screened mixed liquor flows back to the recycle mixed liquor stream].

26. (Currently amended) The process of claim 21 wherein the waste water treatment system produces a waste water sludge that is removed from the membrane [waste water treatment system] through a waste sludge stream.

Reasons for allowance

The following is an examiner's statement of reasons for allowance: Claims 1-2, and 4-30 are allowed over the prior art of record. The claims as amended, including the average flow ratio of step c) of claims 1 and 21 in combinations with additional limitations of the independent claims as and dependent claims are not disclosed or suggested. The flow average of the mixed liquor passing through the screen is based

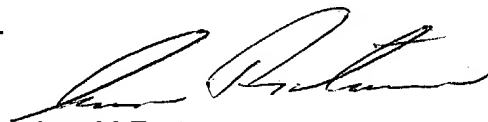
on the selection of the proper screen size and total system flow rate, which is not suggested in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ana M Fortuna
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Art Unit 1723

Application/Control Number: 09/892,860

Page 5

Art Unit: 1723

AF

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